

YAPHET MARTIN,)
)
Plaintiff,)
)
v.) No. 2:13CV48 SPM
)
JAMES HURLEY, et al.,)
)
Defendants.)

This matter is before the Court on defendants James Hurley, Robbert Sherman, and Leslie Carsey’s motion to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. The motion will be denied.

Defendants argue that the complaint fails to state a claim upon which relief can be granted, arguing that one year in solitary confinement is not an atypical or significant hardship in the context of ordinary prison life.

United States District Court Judge Audrey G. Fleissig entered a Memorandum and Order in this action on June 26, 2013, finding that plaintiff's claims stated a

plausible claim for relief for the purposes of pleading a federal cause of action. Rule 8(a) of the Federal Rules of Civil Procedure only requires that a plaintiff provide a “short and plain statement of the claim showing that the pleader is entitled to relief.” Plaintiff has done that.

Defendants also claim that they are entitled to qualified immunity. The Court is unable to determine if defendants are entitled to immunity because the facts before the Court are insufficient to determine whether plaintiff’s constitutional rights have been violated.

Accordingly,

IT IS HEREBY ORDERED that defendants’ motion to dismiss is **DENIED**.

Dated this 6th day of September, 2013.

/s/ Shirley Padmore Mensah
SHIRLEY PADMORE MENSAH
UNITED STATES MAGISTRATE JUDGE